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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

Nikola Corporation, a Delaware
corporation,

Plaintiff,

vs.

Tesla, Inc., a Delaware corporation,

Defendant.

Case No.: 3:18-CV-07460-JD

**JOINT STIPULATION AND
[PROPOSED] ORDER TO CONTINUE
INITIAL CASE MANAGEMENT
CONFERENCE**

HON. JAMES DONATO

Pursuant to Civil Local Rules 6-2 and 7-12, and this Court's Standing Order For Civil Cases Before Judge James Donato, Nikola Corporation ("Nikola") and Tesla, Incorporated ("Tesla"), by and through their respective attorneys, hereby submit the following Joint Stipulation, as follows:

WHEREAS, on December 27, 2018, a clerk's notice of impending reassignment to a U.S. District Court Judge vacated the previously set Initial Case Management Conference.

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1 WHEREAS, on December 28, 2018, this case was assigned to the Honorable Judge
2 James Donato for all further proceedings.

3 WHEREAS, on January 3, 2019, the Court issued a Case Management Scheduling
4 Order setting the Initial Case Management Conference for March 21, 2019 at 10:00 AM in
5 San Francisco, Courtroom 11, 19th Floor and ordering the Case Management Statement due
6 by March 14, 2019.
7

8 WHEREAS, lead counsel for Tesla had a conflict with March 21, 2019 Initial Case
9 Management Conference date. The parties filed a joint stipulation to move the Initial Case
10 Management Conference from March 21, 2019 at 10:00 AM to March 28, 2019 at 10:00 AM.
11 (Doc. 79).
12

13 WHEREAS, the Court issued an order re-setting the Initial Case Management
14 Conference for April 11, 2019 at 10:00 AM in San Francisco, Courtroom 11, 19th Floor.
15

16 WHEREAS, counsel for Nikola has a conflict with the April 11, 2019 Initial Case
17 Management Conference date, as set forth in the accompanying declaration.
18

19 WHEREAS, counsel for Nikola contacted counsel for Tesla on January 18, 2019 to
20 seek agreement to potentially continue the Initial Case Management Conference. The parties
21 telephonically met and conferred on January 18, and on January 23, counsel for Tesla provided
22 potential dates in addition to April 11 when lead counsel for Tesla was available. Counsel for
23 Nikola did not file any stipulation and next contacted counsel for Tesla on March 25, 2019,
24 providing a draft stipulation to continue the Initial Case Management Conference. On March
25
26
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1 26, 2019, the parties agreed to continue the Initial Case Management to June 13, 2019 at 10:00
2 AM in San Francisco, Courtroom 11, 19th Floor.

3 WHEREAS, counsel for Nikola did not file any stipulation and contacted counsel for
4 Tesla on April 1, 2019, asking counsel for Tesla to file this stipulation on behalf of Nikola.
5 Tesla has agreed to continuing the Initial Case Management Conference because counsel for
6 Nikola has represented that its lead counsel is unavailable, but Tesla does not need to continue
7 the Initial Case Management Conference.
8
9

10 NOW THEREFORE IT IS HEREBY STIPULATED AND THE PARTIES JOINTLY
11 REQUEST that the Court reset the Initial Case Management Conference for June 13, 2019 at
12 10:00 AM, and the due date for the Case Management Statement for June 6, 2019.
13

14
15 DATED: April 1, 2019

Respectfully submitted,

16 By /s/ K. Reed Willis
17 K. Reed Willis

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By /s/ Amit Makker
Amit Makker

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ATTESTATION

I, Amit Makker, am the ECF user whose user ID and password authorized the filing of this Document. Under Civil L.R. 5-1(i)(3), I attest that all signatories to this document have concurred in this filing.

Dated: April 1, 2019

/s/ Amit Makker
Amit Makker

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[PROPOSED] ORDER

PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

DATED: _____

HONORABLE JAMES DONATO
United States District Court Judge

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